

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

**EVERLIGHT ELECTRONICS CO.,
LTD.**

Plaintiff,

v.

WALMART, INC.,

Defendant.

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W-23-CV-000439-AM-DTG

CLAIM CONSTRUCTION ORDER

Before the Court are the Parties' claim construction briefs: Defendant Walmart's Opening Claim Construction Brief (ECF No. 25), Plaintiff's Responsive Claim Construction Brief (ECF No. 29), Defendants' Reply Claim Construction Brief (ECF No. 35), Plaintiffs' Sur-Reply (ECF No. 36), and the Joint Claim Construction Statement (ECF No. 7). On April 30, 2024, the Court provided the parties with its Preliminary Claim Constructions, and on May 1, 2024, the Court held a *Markman* hearing. The Court issues this Order to memorialize the Court's final claim construction rulings for the parties, and to inform the parties that the Court will issue a more-detailed Order explaining its analysis in due course. The deadline to file any objections to the undersigned's claim construction rulings (pursuant to Federal Rules of Civil Procedure 59 and 72) does not begin to run until the more-detailed Order is entered on the docket.

I. DISPUTED CONSTRUCTIONS:

Term No.	Term	Everlight's Proposed Construction	Walmart's Proposed Construction	Court's Final Construction
1	forming a first insulating layer having at least one of each of an opening for the n-electrode and an opening for the p-electrode so as to cover the first n-electrode and the first p-electrode U.S. Patent No. 7,554,126, Claim 10.	No construction necessary; plain and ordinary meaning.	Indefinite.	“forming a first insulating layer having at least one of each of an opening for the n-electrode and an opening for the p-electrode, wherein the opening for the n-electrode is over the first n-electrode and the opening for the p-electrode is over the first p-electrode”
2	electrode portion cross section U.S. Patent No. 9,640,733 (the '733 Patent), Claims 1-4, 6. U.S. Patent No. 9,905,742 (the '742 Patent), Claims 1, 2, 9, 10, 11, 15, 21.	No construction necessary; plain and ordinary meaning.	Indefinite.	Plain and ordinary meaning, where the plain and ordinary meaning of “cross section” is “a plane surface formed by cutting a solid.”
3	housing cross section	No construction necessary; plain and ordinary meaning.	Indefinite.	Plain and ordinary meaning, where the plain and ordinary

	'733 Patent, Claims 1, 4-6. '742 Patent, Claims 1, 11.			meaning of "cross section" is "a plane surface formed by cutting a solid."
4	wherein the housing cross section and the electrode portion cross section are not level with one another / wherein the at least one housing cross section is not level with the electrode portion cross section. '733 Patent, Claim 1 '742 Patent, Claims 1, 11.	No construction necessary; plain and ordinary meaning.	Indefinite.	Indefinite.
5	wherein the central area protrudes from the two edge areas '733 Patent, Claim 1	No construction necessary; plain and ordinary meaning.	Indefinite.	Plain and ordinary meaning.
6	wherein the at least one housing cross section is located in a vicinity of four corners of the resin housing / wherein	No construction necessary; plain and ordinary meaning.	Indefinite.	Plain and ordinary meaning.

	the at least one housing cross section is located in a vicinity of a corner of the resin housing '742 Patent, Claims 1, 11.			
7	wherein the two edge areas protrude from central area in the width-wise direction '742 Patent, Claim 7.	No construction necessary; plain and ordinary meaning.	Indefinite and/or invalid under Section 112(d).	Plain and ordinary meaning.
8	wherein the electrode portion cross section extends in a thickness direction of the at least one electrode portion '742 Patent, Claim 10.	No construction necessary; plain and ordinary meaning.	Indefinite.	Indefinite.

SIGNED this 6th day of May, 2024.

A handwritten signature in black ink, appearing to read "Derek T. Gilliland". The signature is fluid and cursive, with a large, stylized initial "D".

DEREK T. GILLILAND
UNITED STATES MAGISTRATE JUDGE